

(S E R V E D)
(OCTOBER 28, 1988)
(FEDERAL MARITIME COMMISSION)

FEDERAL MARITIME COMMISSION

WASHINGTON, D. C.

October 27, 1988

NO. 87-28

LAKE CHARLES STEVEDORES, INC.

v.

LAKE CHARLES HARBOR AND TERMINAL DISTRICT

JOINT MOTION FOR DISMISSAL GRANTED

A complaint was filed in this proceeding on December 10, 1987, by Lake Charles Stevedores, Inc. (LCA), against the Respondent, Lake Charles Harbor and Terminal District. In the complaint it was alleged that the Respondent had violated section 10(b)(12) of the Shipping Act, 1984, by "restraining Complainant from competitively bidding and receiving work" and that the Respondent "through its individual commissioners has, for personal reasons, made efforts to protect Port Stevedoring, Inc. (LCD's competitor), from competition" (Parenthesis supplied.)

As the case developed it became clear that the facts pertinent to it were also the subject of a possible criminal indictment in Louisiana wherein three members of the Board of Commissioners of the Lake Charles Harbor and Terminal District might be charged. On February 22, 1988, the Respondent moved for a Temporary Stay of Proceeding, requesting confidentiality, which Motion was not objected to by the Complainant. The Motion was granted by Procedural Order served on February 24, 1988. After some discovery and telephone discussion with the U.S. Attorney handling the criminal proceeding, he advised by letter dated May 16, 1988, "It is my perception that a co-existent parallel action such as you have before you will have a detracting and detrimental effect on the criminal matter which is coming to a head." Given the U.S. Attorney's statement the instant case was put on hold pending the possible criminal charges.

On April 29, 1988, the criminal indictment was returned against the three members of the Board of Commissioners charging that they had conspired to commit extortion by inducing the owner of Port Stevedoring, Inc. to "purchase their favorable votes on issues before the 'Dock Board' affecting the economic well being of Port Stevedoring, Inc." and that they "did knowingly, willingly and unlawfully commit extortion, which extortion obstructed, delayed, and affected commerce. . . ."

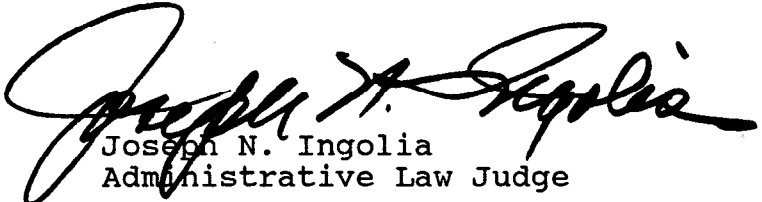
On September 1, 1988, the parties to this proceeding filed a Joint Motion for Dismissal in which they indicate "there has been an amicable disposition of all claims pending herein" requesting that the "proceeding be dismissed with prejudice with each party

bearing its own cost." When the Motion was received the undersigned contacted the U.S. Attorney who indicated that the criminal trial would take place in early October. However, it has been delayed and is now apparently set for sometime in November. The U.S. Attorney has no objection to the dismissal of this proceeding.

The Joint Motion for Dismissal is accompanied by a Compromise Agreement and Release. In essence it provides that the Complainant "agrees to dismiss, with prejudice" these proceedings and to release and discharge the Respondent and its individual Board members for any wrongdoing in return for a monetary payment of \$27,000.00 and for establishing a mutually satisfactory bidding process for relevant stevedoring services.

In view of all of the above, it is hereby,

Ordered, that the parties' Joint Motion for Dismissal is granted with prejudice and the proceeding is therefore discontinued.


Joseph N. Ingolia
Administrative Law Judge

(S E R V E D)
(November 30, 1988)
(FEDERAL MARITIME COMMISSION)

FEDERAL MARITIME COMMISSION

DOCKET NO. 87-28

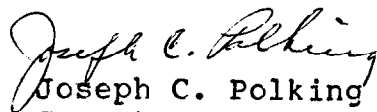
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NOTICE

Notice is given that no appeal has been taken to the October 28, 1988, dismissal of the complaint in this proceeding and the time within which the Commission could determine to review has expired. No such determination has been made and accordingly, the dismissal has become administratively final.


Joseph C. Polking
Secretary